



# Conservation Law Foundation

July 29, 2002

Mary Cottrell, Secretary  
Department of Telecommunications and Energy  
One South Station, 2nd Floor  
Boston, MA 02110

## **BY EMAIL AND HAND DELIVERY**

**Re: Cambridge Electric Light Company, D.T.E. 01-94  
Western Massachusetts Electric Company, D.T.E. 01-99**

Dear Secretary Cottrell:

The Conservation Law Foundation ("CLF") offers these brief comments in opposition to the requests made in the July 25, 2002 filings by Cambridge Electric Light Company ("Cambridge") and Western Massachusetts Electric Company ("WMECo") (the "Companies"). Please find enclosed a Petition for Intervention asking for consideration of these comments.

Today's filing by the Attorney General with the Department enumerates the procedural flaws that require, at the very least, a full hearing by the Department before entertaining the requests of the Companies. Similar concerns are also raised by a Petition filed by the Public Advocate of the State of Maine filed on July 25, 2002 with the Maine Public Utilities Commission; a copy of that Petition is attached hereto.

Our concerns, however, extend beyond the procedural issues presented so clearly on page 3 of the submission of the Attorney General. The conditions attached by the Vermont Public Service Board to the approval of the sale of the Vermont Yankee Nuclear Power Plant to Entergy Nuclear Vermont, LLC and Entergy Nuclear Operations (collectively "Entergy") were intended to remove Entergy's incentive to

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(in the words of the Vermont Public Service Board) cut corners during the critical decommissioning process. This same conditional approval was ratified by the Department. The Companies are now seeking to undermine and collaterally attack these substantive conditions.

The Department is being asked to find that it is in the public interest, and in particular in the interest of the ratepayers of the Companies, that 1) the ratepayers of each of the Companies receive \$83,333 (an arbitrary and, in this context, minimal amount) in exchange for giving up their rights to the funds in the decommissioning fund and 2) that it is suddenly preferable that the Entergy have a clear financial incentive to “cut corners” during decommissioning. Given the regional environmental concerns that could be raised by a partial, incomplete or inadequate cleanup and decommissioning of Vermont Yankee this proposal is tantamount to asking citizens to pay for the privilege of facing potential harm.

CLF participated extensively in the long and complex proceeding before the Vermont Public Service Board that resulted in the formulation of Order that the Department ratified. The Companies and Entergy, faced with conditions and terms at the end of that process that they find objectionable have chosen to step outside the law with the execution of this bizarre side agreement. The Department should reject this submission both to protect the public policy rationale of providing appropriate incentives during decommissioning and to protect the fiscal interests of the ratepayers of the Companies.

We would be pleased to provide the Department with any and all materials filed by CLF in the Vermont proceeding and look forward to participating in further proceedings on this matter before the Department.

Sincerely,

Seth Kaplan  
Senior Attorney